

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

HJA LOGISTICS, INC.

Plaintiff,

v.

R. SANFILIPPO & ASSOCIATES, INC.

Defendants,

Civil Action No.:

New Jersey Superior Court Docket No.  
MID-L-5565-17

**NOTICE OF REMOVAL**

TO: JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
NEW JERSEY

Defendant R. Sanfilippo & Associates, Inc.(hereinafter "Defendant") by and through their attorneys, Wood, Smith, Henning, and Berman, LLP, and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby file this Amended Notice of Removal of this civil action from the Superior Court of the State of New Jersey, Middlesex Vicinage, to the United States District Court for the District of New Jersey. The grounds for removal are as follows:

**PRELIMINARY MATTERS**

1. On or about September 20, 2017, Plaintiff HJA Logistics, Inc., filed a Verified Complaint in the Superior Court of the State of New Jersey, Middlesex Vicinage. The suit is identified in the Superior Court of the State of New Jersey, Middlesex Vicinage as "HJA Logistics, Inc. v. R. Sanfilippo & Associates, Inc." bearing Docket No. MID-L-5565-17.

2. Pursuant to 28 U.S.C. § 1446(a), attached hereto as **Exhibit A** is a copy of the Summons and Complaint served upon Defendant.

3. Defendant has not filed a responsive pleading as of the date of this Notice of Removal.

4. Defendant initially received a copy of the Complaint on November 13, 2017. Accordingly, the filing of this Notice of Removal is timely.

5. Based on the Complaint filed by Plaintiff in the Superior Court of the State of New Jersey, Defendant is informed and believes that Plaintiff is a citizen of the State of New Jersey for purposes of 28 U.S.C. § 1332.

6. Defendant is a corporation organized under the laws of the State of New York with its principal place of located at 1911 Allison Drive, North Bellmore, New York 11710.

#### **VENUE**

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the District Court for the District of New Jersey is the district court embracing the state court where the action was filed.

#### **GROUND FOR REMOVAL**

8. This action is a civil action and, upon information and belief, Plaintiffs seek damages in excess of \$75,000, exclusive of interest.

9. Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(1) based upon diversity of citizenship.

10. Accordingly, this action is properly removable to this Court pursuant to 28 U.S.C. § 1441(a).

11. Removal of this case on the basis of diversity of citizenship is not precluded by the provisions of 28 U.S.C. § 1441(b) because Defendant is not a citizen of the State of New Jersey, in which this action was commenced.

12. Defendant is represented by undersigned counsel and has consented to this Notice of Removal.

13. Pursuant to 28 U.S.C. § 1446(d), Defendant has filed a Notice of Filing of Notice of Removal with the Clerk of the Superior Court of the State of New Jersey, Middlesex Vicinage, and also have served a copy of the same on Plaintiff's counsel.

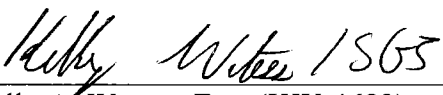
14. In the event Plaintiff files a motion to remand this case, Defendant respectfully requests the opportunity to respond more fully in writing, including the submission of affidavits or other authority.

15. By filing this Notice of Removal, Defendant does not waive, and expressly reserves, all defenses, including, without limitation, lack of personal jurisdiction, improper venue or forum, all defenses under Rule 12 of the Federal Rules of Civil Procedure, or any other defense.

WHEREFORE, Defendant hereby gives notice that the above-referenced action pending in the Superior Court of the State of New Jersey, Middlesex Vicinage, Docket No. MID-L-5565-17, has been removed therefrom to this Court.

Dated: December 12, 2017

By:

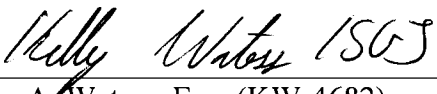
  
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Kelly A. Waters, Esq. (KW-4682)  
WOOD SMITH HENNING & BERMAN LLP  
400 Connell Drive, Suite 1100  
Berkeley Heights, New Jersey 07922  
Tel. No.: 973-265-9901  
Fax No.: 973-265-9925  
Our File No.: 10407-0144  
Attorneys for Defendants R. Sanfilippo &  
Associates, Inc.

TO: Brian R. Lehrer, Esq.  
Schenk, Price, Smith & King, LLP  
Country Club Plaza  
West 115 Century Road  
Paramus, New Jersey 07652

**CERTIFICATE OF SERVICE**

The undersigned certifies that she has caused a copy of the attached Notice of Removal and to be served via U.S. Mail on the following:

Brian R. Lehrer, Esq.  
Schenk, Price, Smith & King, LLP  
Country Club Plaza  
West 115 Century Road  
Paramus, New Jersey 07652

By:   
Kelly A. Waters, Esq. (KW-4682)  
WOOD SMITH HENNING & BERMAN LLP  
400 Connell Drive, Suite 1100  
Berkeley Heights, New Jersey 07922  
Tel. No.: 973-265-9901  
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Our File No.: 10407-0144  
Attorneys for Defendants R. Sanfilippo &  
Associates, Inc.

Dated: December 12, 2017